

Open Burn Permit

Date Issued _____

This permit issued to: _____

Owner's Name: _____ Phone # _____

Burn Location: _____

Person Supervising Burning: _____ Phone # _____

DATE and TIME of burn: _____ from _____ to _____

DESCRIPTION OF MATERIAL TO BE BURNED: _____

Signature of person(s) assuming responsibility in event fire becomes out of control: _____

Signed: _____ Dispatcher Phone # _____

This permit is being issued in accordance with Nebraska Statute 81-520.01. (See Back) Air quality regulations may necessitate an additional permit from the Department of Environmental Control, Phone (402) 471-2186.

LEGISLATIVE BILL 408

81-520.01. (1) There shall be a statewide open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land.

(2) The fire chief of a local fire department or his or designee may waive an open burning ban under subsection (1) of this section for an area under his or her jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the fire chief or his or her designee to a person desiring to conduct open burning shall be in writing, signed by the fire chief or his or her designee, and on a form prescribed by the State Fire Marshall. The State Fire Marshall shall provide local fire departments with such forms.

(3) The fire chief of a local fire department or his or her designee may waive the open burning ban in his or her jurisdiction when conditions are acceptable to the chief or his or her designee. Anyone burning in such jurisdiction when the open burning has been waived shall notify the fire department of his or her intention to burn.

(4) The fire chief of a local fire department may adopt and promulgate rules and regulations listing the conditions acceptable for issuing a permit to conduct open burning under subsection (2) of this section.

(5) The local fire department may charge a fee, not to exceed ten dollars, for each such permit issued. This fee shall be remitted to the governing body for inclusion in the general funds allocated to the fire department. Such funds shall not reduce the tax requirements for the fire department. No such fee shall be collected from any state or political subdivision to which such permit is issued to conduct open burning under subsection (2) of this section in the course of such state's or political subdivision's official duties.

Sec. 2. That section 81-520.02, Revised Statutes Supplement, 1992, be amended to read as follows:

81-520.02. Any person violating the statewide open burning ban established by section 81-520.01 or violating sections 3 to 5 of this act shall be guilty of a Class IV misdemeanor.

Sec. 3. For purposes of sections 4 and 5 of this act, range-management burning shall mean the controlled application of fire to existing vegetative matter on land utilized for grazing.

Sec. 4. The fire chief of a local fire department or his or her designee may waive an open burning ban under subsection (1) of section 81-520.01 by issuing a permit for range-management burning only if the range-management burning is to be conducted in accordance with section 5 of this act.

Sec. 5. (1) A landowner, tenant, or other landowner's agent of the land where range-management burning is proposed shall file an application for a permit and a plan for conducting such burning. The plan shall include:

- (a) The name of the landowner of the land on which range-management burning is to occur;
- (b) The name of the person who will supervise the range-management burning if such person is different than the landowner;
- (c) The land-management objective to be accomplished;
- (d) A map showing the areas to be burned, including natural and manmade firebreaks;
- (e) Procedures to be used to confine the fire in boundary areas without preexisting firebreaks;
- (f) A list of equipment that will be on hand;
- (g) The types of conditions of the vegetative matter to be burned on the land and in adjacent areas;
- (h) Identification of roads and habitations that may be affected by smoke;
- (i) A description of weather conditions believed to be required to safely and successfully conduct the range-management burning, including wind speed and direction, temperature, and relative humidity; and

(1) Such other information as may be prescribed by the fire chief of a local fire department.

(2) The fire chief of a local fire department or his or her designee shall evaluate each plan to determine its compliance with subsection (1) of this section. If a plan fails to comply with all provisions of such subsection, a permit for range-management burning shall not be issued.

(3) The fire chief of a local fire department or his or her designee shall issue a permit for range-management burning if (a) the plan complies with subsection (1) of this section and (b) the fire chief or his or her designee determines that range-management burning conducted in accordance with the plan would be conducted with due regard for the safety of people and property outside the burning areas. No permit shall be valid for more than thirty days.

Sec. 6. That original section 81-520.01, Reissued Revised Statutes of Nebraska, 1943, and section 81-520.02, Revised Statutes Supplement, 1992, are repealed.

SEE OTHER SIDE FOR WOOD RIVER FIRE DEPT. RULES FOR OPENING BURNING

WOOD RIVER FIRE DEPARTMENT RULES FOR OPEN BURNING PERMITS

A PERMANENT BAN ON OPEN BURNING IS IN EFFECT IN THE STATE OF NEBRASKA.

Open burning permits may be issued as a waiver to this ban by the authority of Nebraska State Statute No. 81-520.01 RRS 1943 (1988). The Wood River Fire Department (Fire Dept.) and its officers and assigns assume no responsibility for the control or suppression of any permitted burn. Furthermore the Fire Dept. assumes no liability for injury or property damage resulting directly or indirectly from burning under any permit issued. **By exercising any permit to burn the permit holder agrees to and understands all of the following provisions contained herein.** Open burning carries with it extreme hazards. The Fire Dept. strongly discourages open burning when other means of clearing land or disposing of debris is available, i.e. mowing, mulching, composting, etc.

- Permits are issued at the convenience of the Fire Dept. The Fire Dept. will make reasonable efforts to provide for the issuance of permits on a timely basis. Inability to obtain a permit at any time does not relieve the responsible party of any liability. If an authorized Fire Dept. representative is not available to issue a permit, no burning may take place.
- Permits are issued on the day of the burn, and are issued for one day only from sunrise to sunset unless other arrangements have been made. Fuel loads shall be sized to be completely burned in this time period. Large fuel loads may require more than one permit on more than one day.
- Permits may be denied for any reason seen fit by the Fire Dept. these may include but are not limited to weather conditions, day or season of the year, nearby exposures, size of fuel load, lack of adequate control resources, fire dept. resource commitments, alternate methods of disposal, etc.
- The fire must be attended at all times with sufficient means on site to control the burning until complete and to extinguish the burning if required at any time. Burning logs, brush or other solid material must be covered with earth or thoroughly saturated with water before the attendant leaves the site.
- An area sufficient to prevent the communication of the fire beyond the burning site must be cleared before the burning.
- There shall be no burning when the wind conditions exceed or are forecast to exceed 15 MPH or a relative atmospheric humidity of less than 30 percent exists in the area, or any other condition exists or is forecast to exist which may cause a hazard. (i.e. weather front forecast to move through, wind change that would force smoke over a roadway, etc.)
- Smoke from a permitted burn shall not cross any roadway nor shall it interfere with the use or enjoyment of any other person's property or place of residence.
- The permit holder is responsible for obtaining a current weather forecast for the burn. Forecasts shall include current and expected wind conditions, current and expected atmospheric humidity, sunrise and sunset times, and conditions for the 36 hours following a burn.
- The Fire Dept. must be notified before the burning is started if a preset burn time has not been established or has changed. A means of contacting the permit holder during the burn shall be in place. (i.e. cell phone, contact by radio with someone at a phone, etc.)
- The responsible party shall allow fire department personnel access to the burn site for inspection at any time prior to and for 36 hours after any burn is complete.
- The permit holder or his agent accepts all responsibility for the burn. This includes but is not limited to liability for damages, any suppression and extinguishment effort or cost thereof, and any injury or damage that may result directly or indirectly as a result of this burn. Suppression and extinguishing costs may include established costs of operation of Fire Dept. equipment and labor charges for Fire Dept. personnel to respond. The Fire Dept. has no contractual responsibility to extinguish an "out of control" permitted burn. Costs to extinguish "out of control" permitted burns are above and beyond the protection provided by the district's taxpayer funding. (typical suppression costs start at \$1,000 per hour)
- Failure to follow these rules may lead to the revocation of the burn permit.
- Any burn permit may be revoked at any time for any reason by the Fire Chief or his designated representative. Upon revocation, the permit holder will cause the fire to be extinguished immediately.
- Open burning permits DO NOT allow for burning standing structures, tires, or any material that may violate the Clean Air Act. It is the responsibility of the responsible party to obtain any determinations with regard to this or any other environmental impact provision.
- Open burning without a permit or burning after a permit has been revoked is subject to monetary fines and criminal charges (i.e. arson) as provided for by law.